IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWENTY FIRST DAY OF JUNE
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE ELIPE DHARMA RAO

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WRIT PETITION NO : 13113 of 2005

Between:

BalaChennamma, W/o.John Sailaj
R/o.Dudayala village, Kothapalli Mandal, Kurnool District.

..... PETITIONER

AND

1 The Commissioner, Panchayat Raj & Rural Employment, Hyderabad.
2 The District Collector, Kurnool, Kurnool Dist.
3 The Divisional Panchayat officer, Kurnool, kurnool Dist.
4 The Mandal Parishad Development officer, Kothapalli Mandal,

Kurnool, Dist.
5 The Sub-Treasury officer, Atmakur, Kurnool Dist.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ of Mandamus or any other appropriate writ or direction declare the action of the 1st respondent in not granting stay of removal of petitioner from the post of Sarpanch as illegal and arbitrary and consequently suspend the orders passed by the 2nd respondent in Roc.No.2935/pts. A1/04 pending disposal of the appeal before 1st respondent, and pass such other or further order or orders as deem fit and proper in the circumstances of the case.

Counsel for the Petitioner: MR.P.GANGA RAMI REDDY

Counsel for the Respondents: GP FOR PANCHAYAT RAJ & RURAL DEV.

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O R D E R:

This writ petition is filed seeking to declare the inaction of the first respondent in granting stay of removal of the petitioner from the post of Sarpanch as illegal and arbitrary, and consequently to suspend the order passed by the second respondent in Roc.No.2935/Pts.A1/04 pending disposal of the appeal before the first respondent.

The petitioner was elected as Sarpanch of Dudyala Grama Panchayat under S.C. women category on 14-08-2001. While so, the second respondent, based on false allegations made by the rival group, by proceedings dated 03-01-2005 removed the petitioner from the post of Sarpanch. Against the said proceedings, the petitioner preferred an appeal before the first respondent. The first respondent set aside the removal order passed by the second respondent and remitted the matter to the second respondent to examine the same afresh. Again the second respondent, without considering the matter as directed by the first respondent, confirmed the removal order by proceedings dated 06-06-2005. Aggrieved by the said proceedings, the petitioner preferred an appeal before the first respondent along with an application for suspension of the removal order.

The grievance of the petitioner is that the first respondent has neither disposed of the appeal nor passed any order on the application seeking suspension so far.

Having heard the learned counsel for the petitioner and the learned Government Pleader appearing for the respondents and in view of

the facts and circumstances of the case, the writ petition is disposed of directing the first respondent to dispose of the appeal pending on his file, in accordance with law, within a period of four weeks from the date of receipt of a copy of this order. Failing which, the petitioner shall be continued as Sarpanch. Pending disposal of the appeal, the first respondent can pass appropriate orders on the application seeking interim suspension. No costs.

(ELIPE DHARMA RAO, J)

Date:21-06-2005

ghn

To

1 The Commissioner, Panchayat Raj & Rural Employment, Hyderabad.
2 The District Collector, Kurnool, Kurnool Dist.
3 The Divisional Panchayat officer, Kurnool, kurnool Dist.
4 The Mandal Parishad Development officer, Kothapalli Mandal,

Kurnool, Dist.
5 The Sub-Treasury officer, Atmakur, Kurnool Dist.

6 Two copies to the G.P. for Panchayat Raj & Rural Development, High

Court buildings, Hyderabad. (O.U.T.)

7 Two C.D. copies.